

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

OSCAR GARNER,

Plaintiff,

v.

ORDER

N/P TAPIO, B. DITTMANN, C. MARCHANT,
DR. JEANPIERRE, JANE DOE, NURSE WEINMAN,
and NURSE JENSEN,

19-cv-144-jdp

Defendants.

Plaintiff Oscar Garner, a pro se litigant formerly incarcerated at Waupun Correctional Institution (WCI), filed a lawsuit alleging that health-care providers at WCI failed to provide him with consistent access to medication for his chronic migraine headaches. Dkt. 1. On October 15, 2019, I dismissed his complaint because its allegations were too vague to provide fair notice of his claims as required under Federal Rule of Civil Procedure 8. I gave Garner until November 5, 2019 to file an amended complaint to correct the deficiencies identified in my order, along with financial information that the clerk of court needs to determine whether Garner qualifies for in forma pauperis status.

It is now well past the November 5 deadline, and Garner has not responded to my order. “A district court has the authority under Federal Rule of Civil Procedure 41(b) to enter a sua sponte order of dismissal for lack of prosecution.” *James v. McDonald’s Corp.*, 417 F.3d 672, 681 (7th Cir. 2005). Accordingly, I will dismiss this case with prejudice for Garner’s failure to prosecute it.

ORDER

IT IS ORDERED that plaintiff Oscar Garner's claims are DISMISSED with prejudice for his failure to prosecute the lawsuit. The clerk of court is directed to enter judgment for defendants and close the case.

Entered November 15, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge